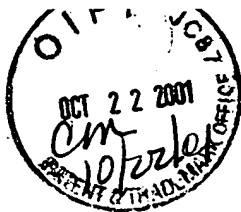


PATENT



Attorney Docket No. MTI-31041

#5/a
1-22-02
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Ping, et al.
Serial No. : 09/816,962
Filing Date : March 23, 2001
For : Method For Forming Raised Structures by Controlled Selective Epitaxial Growth of Facet Using Spacer
Group Art Unit : 2812
Examiner : A. Roman

CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

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37 CFR 1.8(a)

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37 CFR 1.10

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Date: Oct. 22, 2001

Antony Ortiz

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT
AND PRELIMINARY AMENDMENT

Sir:

Restriction Requirement

In response to the Examiner's requirement for an election of the claims, mailed October 10, 2001, in the above-identified patent application, Applicant elects Group I,

MKE/717871.1

Claims 1-100, with traverse. With respect to the election of species, Applicant elects Group iii (Specie 3) depicted in FIGS. 2A-2F, with traverse.

First, FIG. 1-I ("Specie 2") is not a distinct specie and should be combined with FIG. 1-H ("Specie 1"). FIG. 1-I is a *cross-sectional view* of the semiconductive wafer fragment depicted in FIG. 1-H, taken along line 1I-1I. The Examiner is respectfully directed to the application at page 6, lines 19-20, and page 12, lines 4-6. Accordingly, Specie Groups i and ii should be properly combined.

Second, the Examiner's statement that none of the claims appear to be generic is incorrect. The following claims are generic to all of the identified species groups: independent Claims 1, 46, 48, 58, 60, 61 and 72, and dependant Claims 2-16, 27-43, 47, 49, 59, 62-71 and 73-78.

All of the foregoing claims are readable on Group iii: Specie 3 (FIGS. 2A-2F). (The claims are also readable on Specie Groups i and ii and Specie Group iv.) In addition, Claims 50, 79 and 81 (and dependant claims 44-45, 51-57, 80 and 82) read on the elected Group iii (Specie 3) with regard to the formation of the adjacent structures (30", 32") illustrated in FIG. 2F.

Applicant notes that the election of species is for the purpose of prosecution on the merits, and that Applicant will be entitled to consideration of claims to additional species upon allowance of a generic claim.

Preliminary Amendment

Prior to substantive examination, Applicant requests that the following amendments be made to the above-referenced application.

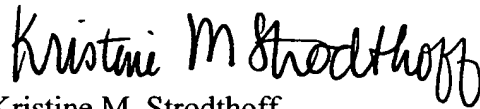
IN THE CLAIMS

Please amend the claims as shown in the attached replacement sheets submitted under 37 C.F.R. § 1.12(c). A redline version is enclosed to illustrate the amendments to the claims.

Claims 101-102 have been cancelled without prejudice to their future prosecution in response to the Examiner's requirement for restriction. Applicant reserves the right to file divisional applications on the non-elected claims.

Applicant believes that the claims are in condition for allowance, and notification to that effect is respectfully requested.

Respectfully submitted,



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Dated: October 22, 2001

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